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H – 3979

International Court of Justice

H3979 - 0002

OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date : 9 August 1948

I certify that Document Number D-865 was introduced into evidence as Exhibit Number GB-458 in the Trial by the International Military Tribunal of Hermann GOERING, et al, which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

Fred NIEBERGALL
Chief, Document
Control Branch.

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C E R T I F I C A T E

I hereby certify that the annexed document D-865 No. GB-458 is a photostat of an original document submitted in evidence by the British Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the National Archives, Washington D.C.

Paul Joosten

PAUL A. JOOSTEN

General Secretary
International Military Tribunal

Nuremberg, 9 August 1948

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Certificate No. 1865 (Place) Nürnberg

(Date) 14 May 1946

CERTIFICATE.

I, Kenneth H. M. Duke, Maj., British Army, of the British War Crimes Executive (European Section), hereby certify that the attached document, consisting of five ~~typewritten*~~ ~~photostated~~ mimeographed ~~handwritten~~ pages and entitled Extracts from the Testimony of KARL DOENITZ, taken at Nuremberg, Germany on dated 6 Oct 1945,† is ~~the original*~~ a true copy of part of a document which the O.C.C. Interrogation Division‡ delivered to me in my above capacity, in the usual course of official business, ~~as the original* a true copy of a document found in German archives, records and files captured by military forces under the command of the Supreme Commander, Allied Expeditionary Forces.~~

Kenneth H. M. Duke
Major.

* Strike out inapplicable words.

† If no title and date to document, use some brief description relating to subject matter sufficient to serve as identification. For example, "relating to Persecution of Jews at Dachau," giving date of document, if any.

‡ Name of Agency from which received.

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Extracts from the
Testimony of KARL DOENITZ, taken at
Nuremberg, Germany on 6 October, 1945
1415 - 1500, by Lt. Col. Thomas S. Hinkel
IGD, OUSCC. Also present: 1st Lt.
Joachim Stenzel, Interpreter and Pvt.
Clair A. Van Vleck, Court Reporter.

Q. That may be true, I don't question that, but what I do question is the use of the language at the end of the first sentence when you say: "the most primitive demands for the conduct of warfare, by annihilating ships and crews, are contradicted by efforts to rescue the members of the crews".

A. We have, in all the years leading up to this particular event, acted exactly in the opposite sense than the one laid down in this statement. That is what matters. We have not even one single incident in this regard with the British Admiralty or government. This particular incident of the LACONIA distressed us so very, very deeply because it showed that in the very rare cases, where we could possibly do rescue work, then we were even being murdered from the air.

Q. That may be, but I still say that the language in this extract is contradictory to the reason, which you state, which is, as I understand it, that the safety of the submarine required that no efforts be made, but still you provide here that the orders concerning the bringing in of the captains and chief engineers of these vessels, still stands.

A. That is an addition that is meant rather in a theoretical sense, because actually in no case, in no instance was it carried out, for the LACONIA incident, which happened a very few days before the entry in the diary, shows how we acted. We were in a situation wherein an infinitely greater number of cases, we could do nothing, and in a very, very slight number of cases we could do something, and in those cases then we would subject ourselves to the bombings from the air.

Q. Those are the situations to which this order was applicable; is that correct?

A. Yes. I am not quite sure if it went to all the captains. It only went to those submarines who were near Freetown. The other submarines were standing between the line of England and America for the convoys. They cannot get out at all; or they were standing near

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convoys. They cannot get out at all; or they were standing near America, Cape Hatteras, before New York, before Trinidad. They too, cannot get out. They cannot do anything. That is why I thought yesterday, the last time; I am not quite sure now if I gave it to them, you see, because it didn't change the state at all. This May order, this second telegram, would be against German Law if I had given it in 1939, '40, or '41, or '42 in the beginning, because there were cases to help, you see, but in this moment, in 1942, that was just on the border for the submarines to live at all, you see. Then came the aerial war by your airplanes and so on. I was in the water, and I was killed, you know, by your airplanes, and the others. I lost in one month 42 submarines only by the airplanes, when they were obliged to get up for loading, or for their batteries. That was the reason. I was obliged to give such an order to prevent that the submarines were killed by the old orders of rescuing. I am not quite sure if this was given only to these submarines, or to all captains who were at sea, you see. The real instruction what to do about the boats, the steamers and so on, were stated in the periodical orders coming from the Commander of submarine warfare, "Staendige Kriegs Befehle des BDU". And I wish yet you would have a look in this. In this one written the general principles of how to treat the boats and so on, and by these orders the submarine commanders are instructed. That was a telegram for the boys at sea. I was now obliged to give this order to prevent the killing of the submarines by planes that came then in these rare cases. This report was ordered only by me. I remember that Captain Goth and Captain Hessler were against this telegram. They told me that expressly, because they said that that can be misunderstood, but I said I must tell that now to these boats to prevent the losses in this 1%. I must give them a reason so they don't feel obliged to do that.

Q. In other words, this is not the message itself?

A. That is not the message at all. I wish I could look at my War Diary. We gave two messages. The first message was that the submarines must remain in a condition where they can submerge, to surrender as many rescued personnel as possible to boats and rafts, to maintain the ability to submerge; to stay there; that I am sending a French cruiser, which will come to assistance. Then to pass the rescued personnel on to the French cruiser and indicate to the French cruiser where the boats and rafts are, and right in this particular

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situation, just to recall this once more, the American bombers moved up and bombed the submarines. I was surprised that no American or British ships left Freetown in order to bring assistance. I have sent this first telegram, in which I stated that the submergibility of the submarine must be maintained. Then I sent the second telegram, in order to avoid that I should have future losses. The second telegram happened on my instigation. I am completely and personally responsible for it because Captains Goth and Hessler both expressly stated that they considered the telegram as ambiguous, or liable to be misinterpreted.

Q. The only question in your mind now is not whether the telegram was sent, which you recall having done, but whether or not the message was addressed to all the submarine commanders, wherever they were, or only to those submarine commanders in this particular area where the LACONIA had been sunk; is that correct?

A. Yes. I read the telegram yesterday.

Q. What you read yesterday was this (indicating document).

A. No, sir.

Q. This extract?

A. No. It was the real telegram, with the address and with the undersigned, and signature.

Q. If you compare the wording of the extract, which you read yesterday, with the one that I have shown you this morning, you will see that they are exactly the same. There is no substantial difference. (Passing documents to witness).

A. No; that is not right. Yesterday I read the paper. I think that the telegram was in the hands of the American naval officer. That was the right telegram.

Q. I don't mean to contradict you, Admiral, but the document which I showed you is the one on your right here. It is not a telegram or a signal; it is an extract from the BDU War Diary. I had never seen the signal itself, as it was sent out.

A. I am very interested in the signal, you see, for by seeing the signal I can recall to my memory if it was the second, you see.

Q. If that is available, I will see that you are shown it. I just don't know whether it is nor not.

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A. You see, I think nobody can understand it who doesn't know the conditions in sea warfare in 1942. I know no case where any English submarine could rescue any Italian or German men of a convoy in the Mediterranean. There is no case at all, and the same is true in Norway. The submarines can't get up and do anything when there are destroyers and when there are planes. They are killed by the other side. That is quite natural, you see, but that is the reason for the convoys, and this condition we had in the end of '44. There was only 1% of the possible cases where there could be help, but you already had so many planes that this 1% of cases is like this accident with the submarines. That is why I was obliged to tell them this, and I am quite sure I must tell them that very energetically. When you educate them for years and years in other things, and they come for hundreds of miles, breaking off their military operation to help, by themselves, then I must say it clearly to them that that was the end of the possibility and I was right. When there was no case at all again where some saving was possible. Then soon there came the months where we were killed in great numbers. So the only actual stain on the record of the submarine warfare is the case of Eck, of which we talked the other day.

Q. Had you heard of this before I mentioned it to you?

A. No; I hadn't heard of it. You asked me very impressively, and I have racked my brains trying to remember whether anybody ever had told me of this incident, but I cannot possibly remember it for, of him, naturally we never heard, because he never came home.

Q. He was captured, as I told you.

A. Yes. As I said, that is the only really painful and exasperating case, because until I entered this room I was convinced that I had led a decent and clean sort of submarine warfare through the entire war.

Q. There is one question I would like to ask you: why was it necessary to use the language that I read to you before, that the most primitive demands for the conduct of warfare, by annihilating ships and crews, are contradicted by efforts to rescue members of the crews? The last clause of the first sentence.

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A. These words do not correspond to the telegram. They do not in any way correspond to our actions in years of '39, '40, '41, and '42, as I have plainly shown you by the LACONIA incident. I would like to emphasise once more that the Captains Goth and Hessler both were violently opposed to the sending of the telegram.

Q. In the absence of the signals themselves, which would contain the exact words sent out, why, there isn't any way we can settle definitely at this time just exactly what you did say. As I told you, this is an extract from a diary, and it may or may not be an exact transcription of the signal that was sent out. Is there any further statement that you wish to make at this time?

A. Yes. Well, it is like this: for a layman, naturally, a telegram of this sort would be quite surprising, because he has entirely different conceptions of the situation. He doesn't know of the convoy system as it existed in the year 1942. I am not in any way aware that I, in any way ever overstepped the bounds of humanity in the submarine warfare. I can tell you, for instance, in May of 1945, when I was asked in Flensburg whether or not we should surrender our War Diary, then I said "Absolutely: we have nothing to conceal".

Q. Does that complete your statement?

A. Yes.

COLONEL HINEL: That will be all.

APPROVED

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INTERROGATOR

(signed) Joachim Stenzel
INTERPRETER

(signed) Clair Van Vleck
COURT REPORTER

INTERNATIONAL MILITARY TRIBUNAL
NUREMBERG, GERMANY
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Exhibit G.B. 458

Filed May 14, 1946
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